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EXHIBIT A

EXHIBIT A**Claims Pending Upon Entry of the Amendment of November 19, 2001****U.S. Patent Application Serial No. 09/578,827****5914-078-999**

22. A transgenic plant containing a transgene encoding a gene of interest operatively associated with a *SHORT-ROOT* promoter, so that the gene of interest is expressed in a tissue-specific manner in roots or embryos.

23. The transgenic plant of Claim 21, in which the gene of interest encodes a gene product that confers herbicide, salt, pathogen, or insect resistance.

24. A transgenic plant containing a transgene encoding a gene of interest operatively associated with a *SHORT-ROOT* promoter, so that the gene of interest is expressed in shoots.

25. The transgenic plant of Claim 23, in which the gene of interest encodes a gene product that increases starch, lignin or cellulose biosynthesis.

27. The plant of Claim 25, which is less susceptible to lodging than a wild-type plant.

30 (new). The plant of claim 22, in which the *SHORT-ROOT* promoter comprises a nucleic acid of SEQ ID NO:4.

31 (new). An isolated nucleic acid molecule comprising a nucleic acid sequence of SEQ ID NO:4.

32 (new). An isolated nucleic acid molecule comprising a nucleic acid sequence which hybridizes over its full length under high stringency conditions to the *SHORT-ROOT* promoter which comprises the nucleic acid sequence of SEQ ID NO:4 and promotes stele-

specific expression in root, and wherein the high stringency conditions comprise hybridization to filter-bound DNA in a buffer composed of 6X SSC, 50 mM Tris-HCl (pH 7.5), 1 mM EDTA, 0.02% PVP, 0.02% Ficoll, and 0.02% BSA at 65°C, and washing in a solution composed of 2X SSC, 0.01% PVP, 0.01% Ficoll, and 0.01% BSA at 68°C.

33 (new). An isolated nucleic acid molecule comprising a nucleic acid sequence which hybridizes over its full length under high stringency conditions to the *SHORT-ROOT* promoter which comprises the nucleic acid sequence of SEQ ID NO:4 and promotes stele-specific expression in hypocotyl, and wherein the high stringency conditions comprise hybridization to filter-bound DNA in a buffer composed of 6X SSC, 50 mM Tris-HCl (pH 7.5), 1 mM EDTA, 0.02% PVP, 0.02% Ficoll, and 0.02% BSA at 65°C, and washing in a solution composed of 2X SSC, 0.01% PVP, 0.01% Ficoll, and 0.01% BSA at 68°C.

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EXHIBIT B

PENNIE & EDMONDS LLP
 1155 Avenue of the Americas, New York, NY 10036-2711
 (212) 790-9090 Fax: (212) 869-8864/9741

OFFICIAL

WRITER'S DIRECT DIAL:
 (212) 790-2296

INTERNET ADDRESS:
 BALDWIN@PENNIE.COM

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| TC 1600 Official Before Final Facsimile Number | United States Patent and Trademark Office Technology Center 1600 | 703-872-9306 | Application No: 09/578,827 |

Confirmation copy *will not* follow.

Re: Application of: Benfey et al.
 Application No: 09/578,827
 Filed: May 24, 2000
 For: SHORT-ROOT GENE, PROMOTER, AND USES
 THEREOF
 Group Art Unit: 1638
 Examiner: Collins, C.
 Attorney Docket No.: 5914-078

MESSAGE: *The following documents are transmitted herewith:*

1. Election Under 37 C.F.R. § 1.143 and Amendment Under 37 C.F.R. § 1.111, with attached Exhibit A (Claims Pending Upon Entry of the Amendment of November 19, 2001) and Exhibit B (Copy of each of the Information Disclosure Statement Under 37 C.F.R. § 1.56 and § 1.97 and the List of References Cited (Form PTO 1449) previously filed on June 22, 2001 in connection with U.S. Patent Application Serial No. 09/578,827); and
2. Petition for Extension of Time Under 37 CFR § 1.136(a) for one month, to and including Monday, November 19, 2001, the first business day after Saturday, November 17, 2001.

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LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

5914-078-999

APPLICATION NO.

09/578,827

APPLICANT

Benfey et al.

FILING DATE

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GROUP

1638

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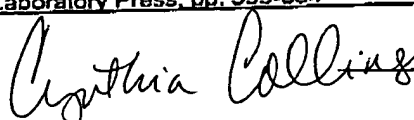
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| Cynthia Collins *EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | |